



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,913	01/04/2002	Robert F. Meyerson	24831-007	7703

7590 02/24/2005

SHANE HUNTER
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, PC
ONE FINANCIAL CENTER
BOSTON, MA 02111

EXAMINER

BHATIA, AJAY M

ART UNIT PAPER NUMBER

2145

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/037,913	Applicant(s) MEYERSON ET AL.	
	Examiner Ajay M Bhatia	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1, 3, 11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "high resolution" in claims 1, 3, 11, and 13 is a relative term which renders the claim indefinite. The term " high resolution " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the purposes of this office action high resolution will be interpreted as any resolution , a proper correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 7, 11, 12, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Stedman et al. (U.S. Patent 6,539,499 referred to as Stedman).

4. For claim 1, Stedman teaches, a multi-media communication management system for operation with a plurality of subscriber stations, at least one of which is a configurable subscriber station that includes a subscriber interface selected from a subscriber voice interface, a graphic display and a subscriber voice interface, a high resolution full motion display and a subscriber voice interface, the multi-media communication management system comprising:

a network communication circuit for multi-media communication with said plurality of subscriber stations; (See Stedman, Col. 2 line 62 to Col. 3 line 25)

a session control circuit for establishing a communication session with each subscriber station through the network communication circuit comprising:

a subscriber communication state manager for communicating control messages to a configurable subscriber station for controlling operational states of said configurable subscriber station and for receiving a help function request from said configurable subscriber station; (See Stedman, Col. 2 line 62 to Col. 3 line 25 and Col. 3 line 55 to Col. 4 line 11)

means for identifying the subscriber interface of said configurable subscriber station; and (See Stedman, Col. 3 lines 25-55)

means, responsive to said help function request, for providing help information to said configurable subscriber station that is related to the operational state of said subscriber station and is in a multimedia format compliant with the subscriber interface of the configurable subscriber station. (See Stedman, Col. 3 line 55 to Col. 4 line 11)

5. For claim 2, Stedman teaches, the multi-media communication management system of claim 1, wherein the means for providing help information comprises:

means for selecting a help content file from a database of help content files, said selected help content file being associated with the operational state of said configurable subscriber station and in a file format that can be output through the subscriber interface of the configurable subscriber station; and

means for sending a content message, including at least a portion of the help content file, to said configurable subscriber station; and

means for sending a control message to said configurable subscriber station that instructs said configurable subscriber station to output said at least a portion of the help content file contained in said content message through the subscriber interface. (See Stedman, Col. 3 line 55 to Col. 4 line 11)

6. For claim 7, Stedman teaches, the multi-media communication management system of claim 1, wherein the help function request is a message provided by the configurable subscriber station indicating that a subscriber has activated a help button on the subscriber station. (See Stedman, Col. 2 line 62 to Col. 3 line 25)

7. Claims 11, 12, and 17 list all the same elements of claims 1, 2, and 7, but in method form rather than system form. Therefore, the supporting rationale of the rejection to claims 1, 2, and 7 applies equally as well to claims 11, 12, and 17.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-5 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stedman et al. (U.S. Patent 6,539,499 referred to as Stedman) in view of Isel et al. (U.S. Patent 4,931,950 referred to as Isle).

10. For claim 3, Stedman fails to teaches, the multi-media communication management system of claim 2, wherein the selected help content file includes at least one of:

a video file for output on the high resolution full motion display and a voice file, including voice information related to and synchronized with the video file for output through the subscriber voice interface if the subscriber interface is a high resolution full motion display and subscriber voice interface;

at least one graphic display file for output on the graphic display and a voice file, including voice information related to the at least one graphic display file, for output through the subscriber voice interface if the subscriber interface is a graphic display and subscriber voice interface; and

a voice file for output through the subscriber voice interface if the subscriber interface is a subscriber voice interface.

Isle teaches, the multi-media communication management system of claim 2, wherein the selected help content file includes at least one of:

a video file for output on the high resolution full motion display and a voice file, including voice information related to and synchronized with the video file for output through the subscriber voice interface if the subscriber interface is a high resolution full motion display and subscriber voice interface;

at least one graphic display file for output on the graphic display and a voice file, including voice information related to the at least one graphic display file, for output through the subscriber voice interface if the subscriber interface is a graphic display and subscriber voice interface; and

a voice file for output through the subscriber voice interface if the subscriber interface is a subscriber voice interface. (See Isle, Col. 7 lines 31-38, Table 1, Col. 8 lines 31-45, Col. 5 line 60 to Col. 6 line 25)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to improve the system of Stedman by integrating a voice system interface in order to improve interaction with the user and allow them to work hands-free. (See Isel, Col. 1 lines 30-44 and Col. 1 lines 57-62)

11. For claim 4, Stedman-Isel teaches, the multi-media communication management system of claim 3, wherein the selected help content file includes a sequence of still graphic display files for output on the graphic display and a voice file, including voice information that is related to and synchronized with the sequence of still graphic display files for output through the subscriber voice interface if the subscriber interface is a graphic display and subscriber voice interface. (See Isel, Col. 7 lines 31-38, Table 1, Col. 8 lines 31-45, Col. 5 line 60 to Col. 6 line 25, Col. 8 line 45 to Col. 10 line 30)

The same motivation that was utilized in the rejection of claim 3, applies equally as well to claim 4.

12. For claim 5, Stedman-Isel teaches, the multi-media communication management system of claim 4, wherein the help function request is a message provided by the configurable subscriber station indicating that a subscriber has activated a help button on the subscriber station. (See Stedman, Col. 2 line 62 to Col. 3 line 25)

The same motivation that was utilized in the rejection of claim 3, applies equally as well to claim 5.

13. Claims 13, 14, and 15 list all the same elements of claims 3, 4, and 5, but in method form rather than system form. Therefore, the supporting rationale of the rejection to claims 3, 4, and 5 applies equally as well to claims 13, 14, and 15.

14. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stedman-Isel (U.S. Patent 6,539,499 referred to as Stedman) (U.S. Patent 4,931,950 referred to as Isle).

15. For claim 6, Stedman-Isel teaches, the multi-media communication management system of claim 5, wherein the session control server further comprises:

means for sending a control message to the configurable subscriber station that instructs the configurable subscriber station to establish a communication session with a help station in response to a help function request from the configurable subscriber station occurring while (See Stedman, Col. 2 line 62 to Col. 3 line 25)

Stedman-Isel fail to clearly disclose, at least a portion of the help content file contained in said content message is being output through the subscriber interface.

Art Unit: 2145

It has been held obvious to launch more than one copy of the same process. See To duplicate part of multiple effects- St. Regis Paper Co. V. Bemis Co., 193 USPQ 8 (7th Cir. 1977)

16. Claim 16 list all the same elements of claim 6, but in method form rather than system form. Therefore, the supporting rationale of the rejection to claim 6 applies equally as well to claim 16.

17. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stedman et al. (U.S. Patent 6,539,499 referred to as Stedman).

18. For claim 8, Stedman teaches, the multi-media communication management system of claim 7, wherein the session control server further comprises:

means for sending a control message to the configurable subscriber station that instructs the configurable subscriber station to establish a communication session with a help station in response to a help function request from the configurable subscriber station (See Stedman, Col. 2 line 62 to Col. 3 line 25)

Stedman fails to disclose clearly, occurring while said at least a portion of the help content file contained in said content message is being output through the subscriber interface.

Art Unit: 2145

It has been held obvious to launch more than one copy of the same process. See To duplicate part of multiple effects- St. Regis Paper Co. V. Bemis Co., 193 USPQ 8 (7th Cir. 1977)

19. Claim 18 list all the same elements of claim 8, but in method form rather than system form. Therefore, the supporting rationale of the rejection to claim 8 applies equally as well to claim 18.

20. Claims 9, 10 , 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stedman et al. (U.S. Patent 6,539,499 referred to as Stedman) in view of Uehara (U.S. Patent, 5,917,543).

21. For claim 9, Stedman teaches, a multi-media communication management system for operation with a plurality of subscriber stations, each of which includes a help button and a multimedia subscriber interface, the multi-media communication management system comprising:

- a network communication circuit for multi-media communication with said plurality of subscriber stations;

- a session control circuit for establishing a communication session with each subscriber station through the network communication circuit comprising:

- a subscriber communication state manager for communicating control messages to each subscriber station for controlling the operational state of each subscriber station

Art Unit: 2145

independent of each other subscriber station and for receiving an indication of subscriber activation of the help button on an identified subscriber station;

means for providing multimedia help information to the identified subscriber station that is related to the operational state of the identified subscriber station in response to a first receipt of the indication of subscriber activation of the help button on the identified subscriber station;

means for sending a control message to the identified subscriber station that instructs the identified subscriber station to establish a communication session with a help station in response to a (See Stedman, Col. 2 line 62 to Col. 3 line 25, Col. 3 line 55 to Col. 4 line 11, Col. 3 lines 25-55, Col. 3 line 55 to Col. 4 line 11)

Stedman fails to clearly disclose, second receipt of the indication of subscriber activation of the help button on the identified subscriber station.

Uehara teaches, second receipt of the indication of subscriber activation of the help button on the identified subscriber station.(See Uehara, Col. 6 lines 40-50)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to improve the method of Stedman with the switch used in Uehara system which allows for a second action with the same button in order to provide the user with increased control of the device as it is well known in the art (See Uehara, Col. 3 lines 25-30)

22. For claim 10, Sedman-Uehara teaches, the multi-media communication management system of claim 9, wherein the second receipt of the indication of subscriber activation of the help button occurs within a predetermined time window following the first subscriber activation of the help button.

The same motivation that was utilized in the rejection of claim 9 applies equally as well to claim 10.

23. Claims 19 and 20 list all the same elements of claims 9 and 10, but in method form rather than system form. Therefore, the supporting rationale of the rejection to claims 9 and 1 applies equally as well to claims 19 and 20.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US-5,621,789 by McCalmont et al.
2. US-2002/0040297 by Tsiao et al.
3. US-5,103,498 by Lanier et al.
4. US-5,490,089 by Smith et al.
5. US-5,504,840 by Hiji et al.

Art Unit: 2145

6. US-6,154,783 by Gilmour et al.
7. US-2001/0023448 by Hanha, Musa
8. US-5,412,758 by Srikanth et al.
9. GB-2271004 by Soiti et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia M Wallace can be reached on (571)-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB



VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100